

**Restriction Requirement**

Applicants respectfully traverse the Restriction and submit that the asserted basis for the Restriction is insufficient. Applicants thus respectfully request the Restriction be withdrawn or modified for the following reasons.

The Examiner has stated that Group I (claims 1-30) and Group II (claims 31-45) are related as product and process of use. Applicants agree.

In support of restriction, the Examiner has further stated that “the product as claimed can be used in a materially different process of using that product . . . In the instant case the apparatus can be deployed in different processes. In fact, applicant discloses different methods for deploying the device.” While Applicants agree in principle that the product can be deployed using different methods, the Examiner has not provided any example of a “materially different” process that would properly support a restriction requirement. The burden is on the Examiner to provide such an example (MPEP § 806.05(h)) and absent such, Applicants respectfully submit that the reasons for restriction are insufficient and request the restriction requirement be withdrawn.

In the event the instant Restriction Requirement is nevertheless maintained, Applicants hereby elect Group I (claims 1-30), with traverse for the reasons presented above and respectfully request that upon the finding of allowability of Group I, the claims of Group II be rejoined as set forth at MPEP § 821.04.

Applicants expressly reserve the right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

Further in the event the instant Restriction Requirement is maintained, Applicants further elect Species 1 (Figures 1-6) for prosecution in the event no generic claim is held allowable. The

following claims are readable on Species 1 (Figures 1-6): 1-3, 9-10, 28-30. Applicants acknowledge that upon allowance of generic claim, Applicant will be entitled to consideration of claims to additional species pursuant to 37 CFR §1.141. Applicants further note that at least claims 1, 9 and 28 are generic.

### **Specification**

The Examiner has required a new title of the invention, indicating that the title is not descriptive and that “a novel feature of the invention” should be included in the title. Applicants are unaware of any requirement of the patent statutes or regulations that require the incorporation of “novel” features into the title of the invention. Applicants have amended the title to be more descriptive, but this is no way an admission or acquiescence that any “novel” feature of the invention is necessarily found in, or required to be in, the title of the invention.

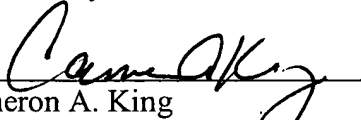
### **Drawings**

The drawings have been objected to under 37 CFR § 1.84(p)(5) on the grounds that they include reference sign(s) not mentioned in the specification, specifically reference sign(s) 110 and 99. Upon review, Applicants cannot find reference sign 110 in the drawings, and thus submit any mention of reference sign 110 in the specification is not necessary for compliance under 37 CFR § 1.84(p)(5). As for reference sign 99, clear mention of reference sign 99 is given in the description at, e.g., page 19, line 19. Applicants therefore request withdrawal of the objection.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **514362000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: November 24, 2003

Respectfully submitted,

By   
Cameron A. King  
Registration No.: 41,897  
MORRISON & FOERSTER LLP  
425 Market Street  
San Francisco, California 94105  
(415) 268-6524